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No. 429

In the Supreme Court of the United States

OCTOBER TERM, 1958

JAMES S. PATTERSON, GENERAL ADMINISTRATOR FOR MOBILE COUNTY, ALABAMA, AS ADMINISTRATOR OF THE ESTATE OF EDGAR A. DOODY, JR., DECEASED, ET AL., PETITIONERS

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

MEMORANDUM FOR THE UNITED STATES

J. LEE RANKIN,
Solicitor General,
Department of Justice, Washington 25, D. C.

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MEMORANDUM FOR THE UNITED STATES

In *Johansen* v. *United States,* 343 U. S. 427, this Court held that a civilian employee of the United States who was covered by the Federal Employees Compensation Act, and who was injured in the performance of his duty as a seaman on a publicly owned and operated vessel, employed solely for public purposes, might not recover by suit under the Public Vessels Act (which supplemented and amended the Suits in Admiralty Act).

Upon the basis of the *Johansen* decision and the reasoning expressed therein, the court below has held that civilian employees of the United States who are covered by the Federal Employees Compensation Act,